



IFW

Atty. Docket No.: B0751/7025

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Richard A. Gambale et al. Examiner: Jessica R. Baxter  
Serial No.: 10/658,619 Group Art Unit: 3731  
Filed: September 8, 2003 Conf. No.: 2554  
Title: TISSUE CAPTURING DEVICES

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1-10-05

Date

*Debra M. Dwyer*  
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DEBRA M. DWYER

Typed or Printed Name of Person Signing Certificate

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT  
AND PRELIMINARY AMENDMENT**

Sir:

Responsive to the Restriction Requirement dated October 19, 2004, species (c) as shown in Figs. 10A and 10B, is provisionally elected for prosecution, with traverse. Applicants request that species (a) - (i) be rejoined into a single species, for the reasons given below. Reconsideration of the requirement for restriction is respectfully requested. Claims 1-2 and 5-9 read on species (a)-(i). Claim 3 reads on species (a)-(e), and claim 4 reads on species (c), (e) and (f)-(i).

Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

**Amendments to the Specification** begin on page 3 of this paper.

The **"Listing of the Claims"** begins on page 8 of this paper. No amendments are made.

**Remarks** begin on page 10 of this paper.

Applicants respectfully request entry of the amendments and remarks.